

(P6)

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
 17378

In Re Application Of: Hironobu Takizawa, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/761,962	January 21, 2004	Rene T. Towa	23389	3736	3889

Title: **DEVICE AND METHOD FOR RETRIEVING MEDICAL CAPSULE**



COMMISSIONER FOR PATENTS:

Transmitted herewith is:

RESPONSE TO SPECIES ELECTION

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.
 - Charge the amount of _____
 - Credit any overpayment.
 - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

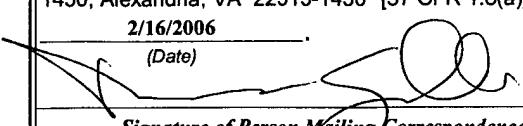

 Signature

Dated: February 16, 2006

Thomas Spinelli
 Registration No.: 39,533

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

2/16/2006
 (Date)


 Signature of Person Mailing Correspondence

Thomas Spinelli

Typed or Printed Name of Person Mailing Correspondence

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hironobu Takizawa, et al.

Examiner: Rene T. Towa

Serial No: 10/761,962

Art Unit: 3736

Filed: January 21, 2004

Docket: 17378

For: DEVICE AND METHOD FOR
RETRIEVING MEDICAL CAPSULE

Dated: February 16, 2006

Conf. No.: 3889

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SPECIES ELECTION

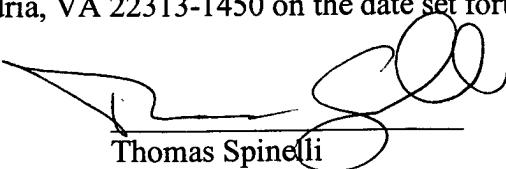
Sir:

Pursuant to the election requirement imposed in the Official Action dated January 19, 2006, Applicants elect the claims of Species III, i.e., Claims 1, 2, 4, 5, 10, 12, 29 and 31 for continued prosecution herein.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

Dated: February 16, 2006



Thomas Spinelli

Claims 1-43 are present in the above-captioned application and have been subjected to a species election under 35 U.S.C. § 121. Specifically, the Official Action avers that the following patentably distinct species of the claimed invention are present in the claims:

Species I, characterized by Figures 1, 3A, 4A-D;

Species II, characterized by Figure 3B;

Species III, characterized by Figures 5-7;

Species IV, characterized by Figures 8-9;

Species V, characterized by Figures 10-11;

Species VI, characterized by Figures 12A-12C;

Species VII, characterized by Figures 13-14;

Species VIII, characterized by Figure 15;

Species IX, characterized by Figure 16; and

Species X, characterized by Figure 22.

It is the Examiner's position that the species listed as Species I-X are patentably distinct from each other.

In response to the Examiner's requirement for species election, Applicants elect to prosecute the subject matter of Species III, Figures 5-7, readable on claims 1, 2, 4, 5, 10, 12, 29 and 31. However, Applicants reserve the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,

Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm